

CIVIL RIGHTS COMMISSION[161]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 216.5, the Iowa Civil Rights Commission hereby gives Notice of Intended Action to amend Chapter 4, “Contested Cases,” Iowa Administrative Code.

These amendments are proposed to facilitate public understanding of the administrative rules by simplifying sentence structure.

Any interested persons may make written comments on the proposed amendments on or before 4:30 p.m. on April 6, 2010. Written comments should be addressed to the Iowa Civil Rights Commission, Grimes State Office Building, Des Moines, Iowa 50319. Comments may also be submitted by fax to (515)242-5840 or by E-mail to ralph.rosenberg@iowa.gov.

A public hearing will be held in the Commission Office, First Floor South, Grimes State Office Building, East 14th and Grand Avenue, Des Moines, Iowa, from 2 to 4 p.m. on April 6, 2010. At this time, persons may present their views either orally or in writing. Persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commission and advise of specific needs.

The proposed amendments are subject to the Commission’s general waiver provisions found at 161—Chapter 15.

These amendments are intended to implement Iowa Code section 216.5.

The following amendments are proposed.

ITEM 1. Amend subrule 4.28(1) as follows:

4.28(1) Retention of jurisdiction. In any final decision in which it is determined that the complainant is entitled to an award of attorney’s fees, but the actual amount has not yet been determined, there is, by operation of this rule, an express retention of jurisdiction of the case by the commission in order to determine the actual amount of attorney’s fees to which the party is entitled and to enter a subsequent order awarding those fees; The commission shall take this action regardless of whether or not such retention of jurisdiction is expressed in the final decision. In such case, the decision is final in all other respects except the determination of the amount of the attorney’s fees.

ITEM 2. Amend rule 161—4.31(17A) as follows:

161—4.31(17A) Hearing—other reasons. At any other time, the commission, executive director, or designee may, ~~in~~ at its discretion, convene a hearing: whenever a problem of discrimination arises; in order to expedite the disposition of preliminary matters in any action before it; or when in the judgment of the commission, executive director, ₂ or designee, the circumstances warrant.